

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

(b) measuring a property or effect of the acoustic energy [at the time of or subsequent to the initial application of the] during the treatment with acoustic energy; and

(c) using the measurement obtained in step (b) to modify continued or subsequent application of acoustic energy to the biological materials during the treatment as needed to enhance the treatment.

2. (amended) The method of claim 1 wherein the property of the acoustic energy being measured in step b is one or more properties selected from the group consisting of pressure at one or more frequencies, and energy input at one or more frequencies[, and length of time the acoustic energy is administered].

3. (amended) The method of claim 1 wherein the acoustic energy is effective to alter permeability of the biological materials to a chemical or biological agent selected from the group consisting of peptides, proteins, sugars, polysaccharides, nucleotides, polynucleotide molecules, synthetic organic compounds, synthetic inorganic compounds, endogenous organic compounds, endogenous inorganic compounds and combinations and aggregates thereof.

26. (twice Amended) A device comprising

(a) means for treating cells or biological materials by administering acoustic energy to the cells or biological materials [altering] to alter permeability, cell viability or structural integrity of biological materials at one or more frequencies;

(b) means for measuring a property or effect of the acoustic energy [at the time of or subsequent to the initial application of the] during the treatment with acoustic energy; and